

**The Board of Trustees
of the
School and Institutional Trust Lands Administration**

☐ New Policy ☒ Amends Policy No. 96-02 ☐ Repeals Policy No. _____

Policy Statement No. 96-02.1

Cause No. 2

Subject: Procurement Policies

For Independent Contractors

Pursuant to and in connection with its' Resolution No. 96-03 dated and adopted June 13, 1996, the Board of Trustees amends policy statement No. 96-02, allowing exemption from state procurement policy for the procurement of independent real estate services, to include all third party independent contractors.

1. Prior to the retention of any Independent Contractor pursuant to this policy, the Director or the responsible Assistant Director, shall issue a written finding that the retention of such services are deemed by such party to be in the best interests of the Trust, stating briefly the grounds therefore. A log of such findings shall be maintained by the agency and shall be made available to the public upon request and to the Board on a quarterly basis.

2. In connection with the solicitation of any such Independent Contractors, the agency shall contact at least three (3) potential service providers and shall request proposals from each of such parties. The agency may negotiate with all or just one of the responding service providers and may elect to enter into a contract with any one of such service providers without negotiating with the other service providers. The Director or the responsible Assistant Director shall issue a written finding explaining the basis for the selection of the chosen service provider. The finding shall also contain a certification that there exists no known conflict of interest. All findings shall be placed and maintained in a log. The log shall be made available to the public upon request and to the Board no less frequently than quarterly.

3. Any service provider selected shall be fully licensed and in good standing with the State of Utah.

4. The Administration's internal audit staff shall conduct an annual audit of contracts let with Independent Contractors pursuant to this policy to confirm that compliance with this policy is being maintained. Such audit staff shall provide a written report to the Board setting forth its audit findings.

5. Any contract let to a service provider shall consist of terms and conditions (including commission or compensation structure) consistent with good commercial practices observed in the non-governmental business community.

6. Any contract let to a service provider shall be approved by the Attorney General's office, or its' designee, as to both form and substance.

7. SITLA shall not enter into any contract with a service provider which violates, or on account of factual circumstances or person involved, gives the appearance of a conflict of interest or a potential violation of the Utah Public Officer's and Employee's Ethics Act.